

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**MICHAEL PAIGE,**

Case No. 4:15 CV 2081

Petitioner,

v.

Magistrate Judge James R. Knepp, II

**STATE OF OHIO,**

Respondent.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Petitioner's March 7, 2016, motion for release. (Doc. 9). Respondent filed a brief in opposition. (Doc. 11). For the following reasons, Petitioner's motion is DENIED.

Petitioner argues for immediate release from confinement because Respondent failed to timely answer his complaint pursuant to the Court's December 8, 2015, order. (Doc. 9). The Court ordered Respondent to file an answer within 45 days, or by January 22, 2016. Respondent does not dispute it failed to do so. (Doc. 11, at 2).

Rather, on March 3, 2016, Respondent filed a motion for extension of time to respond, asserting it did not receive notice of suit until February 19, 2016. (Doc. 7). The Court granted the motion for extension of time until April 4, 2016. (Doc. 8). Respondent then filed a motion to dismiss on March 8, 2016, which is currently pending before the Court. (Doc. 10).

Because the Court granted Respondent's motion for extension of time, Petitioner's motion is DENIED as moot.

IT IS SO ORDERED.

s/James R. Knepp, II  
United States Magistrate Judge